THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 28124 of 2005

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Dated 02-01-2006

Between:

S.A.Salam, S/o.Abdul Karim Saheb,,
R/o.1st Ward, Bhavanagar Colony, Ponnur Mandal, Guntur District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC., Guntur Region, Guntur District.
2 The Depot Manager, APSRTC., Ponnur Bus Depot, Guntur District.

.....RESPONDENT(S)

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.28124 of 2003

ORDER:

The petitioner is employed as a Driver in the Ponnur Depot of A.P.S.R.T.C. He was issued a charge sheet dated 22-04-2002, alleging that during the check exercised, on 16-04-2002, in the bus, driven by the petitioner, a sum of Rs.75/- was found, in excess of, what was recorded in the SR. The petitioner submitted his explanation. Departmental enquiry was conducted, and after following the necessary formalities, the 2nd respondent passed an order dated 21-08-2002, imposing the punishment of stoppage of one increment, with cumulative effect. The period of suspension from 22-04-2002, till the date of reporting to duty, consequent on this order, was directed to be treated as not on duty, for the purpose of leave and increments only. The petitioner challenges the same, in this writ petition.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The 2nd respondent imposed the penalty of stoppage of one increment, with cumulative effect, against the petitioner, after following the stipulated procedure. The only ground urged on behalf of the petitioner is, that the punishment imposed is disproportionate to the charge levelled against him. It is difficult for this Court to undertake evaluation in this regard. The petitioner had an alternative effective remedy, by way of appeal under the Regulations. The impediment for the petitioner to avail that remedy is that the limitation prescribed therefor had expired. This Court feels it appropriate to enable the petitioner to avail the remedy, by condoning the delay.

Hence, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal, in case the appeal is presented within four weeks from today. It shall be entertained, as having been preferred within the period of limitation, and the appellate authority shall consider and dispose of the same on merits. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.02-01-2006.

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